



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

EXECUTIVE DIVISION

By Electronic Mail

May 6, 2022

Hon. Dan A. Polster
United States District Judge
United States District Court
Northern District of Ohio
801 West Superior Avenue, Courtroom 18B
Cleveland, Ohio 44113-1837

Re: In Re: National Prescription Opiate Litigation, No. 1:17-md-02804 (DAP)

Dear Judge Polster:

I am Special Counsel in the Office of the New York Attorney General (“NYAG”). On April 25, 2022, Your Honor granted the motion of Distributor Defendants in the above-referenced action for leave to file a motion to dismiss claims filed by non-participating New York subdivisions as barred by statute and requested a position statement from the NYAG. After conferring with Special Master David Cohen on how best to proceed in response to the Court’s request, and at his suggestion, I am writing this letter to advise the Court that the NYAG joins in and fully supports the Distributor Defendants’ motion (Dkt. No. 4398 (corrected filing)), and respectfully requests that the motion be granted for the reasons set forth in the Distributor Defendants’ moving papers. In the event that the non-participating New York subdivisions oppose the motion, the NYAG hereby requests the opportunity to submit a further position statement that addresses the issues raised in their opposition, and to do so within 14 days of the filing of the opposition in accordance with Local Rule 7.1.

Also, as New York is not a party to the case and the NYAG has not entered an appearance, I am sending this letter to Your Honor via electronic mail with a request that the Clerk be instructed to file the letter on the electronic docket (again at Special Master Cohen’s suggestion). If acceptable to the Court, I will follow the same procedure for the NYAG’s further position statement should the non-participating New York subdivisions file an opposition.

Respectfully,

/s/ Andrew S. Amer

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cc: Special Master David Cohen (via Electronic Mail)